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In re Application of :  
SVENSSON, Jan-Olof *et al* :  
U.S. Application No.: 10/506,415 :  
PCT No.: PCT/EP03/01548 :  
Int. Filing Date: 14 February 2003 :  
Priority Date: 04 March 2002 :  
Attorney's Docket No.: 47253-00041USPX :  
For: A BATTERY PROTECTION CIRCUIT :

## DECISION

This is a decision on the papers filed on 09 December 2004 which are treated as a petition under 37 CFR 1.181. No fee is required.

### BACKGROUND

On 17 November 2004, applicants purportedly filed an executed declaration.

On 26 November 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905)

On 09 December 2004, applicants filed a 'Response to Notification of Missing Requirements Under 35 U.S.C. 371' which was accompanied by, *inter alia*, a copy of documents purportedly filed 17 November 2004 and a date-stamped postcard receipt for the aforementioned documents.

On 05 January 2005, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements of 09 December 2004.

### DISCUSSION

Applicants claim that an executed declaration and a surcharge fee were submitted on 17 November 2004 in the above-captioned application. A review of the file shows that there is no record of a declaration received until 09 December 2004. However, USPTO financial records reveal that the surcharge fee of \$130.00 was paid on 17 November 2004.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed

thereon on the date stamped thereon by the USPTO.

In this case, applicants provided a copy of the date-stamped postcard receipt for the documents submitted 17 November 2004. The postcard receipt records that among the papers filed included a "Copy of Executed Declaration and Check in the Amount of \$130.00." The postcard receipt is stamped "DT07 Rec'd PCT/PTO 17 NOV 2004" across its face. The title, applicant and attorney docket number were listed on the postcard receipt.

Accordingly, applicants have provided *prima facie* evidence that a declaration was originally received in the above-captioned application on 17 November 2004.

**DECISION**

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 05 January 2005 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing including mailing a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) Indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements of 17 November 2004.



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